

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. NO. 16422 OF 2004

Date of Decision: May 14, 2007

Bikkarjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. Amol Rattan Singh, Addl. AG, Punjab,
for respondent No. 1.

Mr. N.D.S. Mann, Advocate,
for respondent No. 2.

JUDGMENT

M. M. KUMAR, J.

The petitioner has filed the instant petition under Article 226 of the Constitution for quashing order dated 7.6.2004 (P-14), whereby his services have been terminated. A further prayer has been made to direct the respondents to reinstate the petitioner and

regularise his services on the basis of policy instructions of the State, dated 23.1.2001 (P-4), issued by respondent No. 1.

Brief facts of the case are that on 12.9.1996 the petitioner was appointed as Godown Assistant on daily wages for a period of 89 days in the respondent No. 2 Corporation. He worked as such for a period of about 8 years till 2004. On 23.1.2001, the policy of regularization of work-charge/daily wage and other categories of employees was reviewed by the State of Punjab and instructions were issued (P-4). It is claimed that on the basis of the aforementioned instructions employees junior to the petitioner were regularized ignoring the claim of the petitioner. On 29.3.2001, respondent No. 2 sought clarification from the Government as to whether the staff which was not being charged against any project or work was to be regularised or not (P-5). Vide letter dated 14.5.2001, clarification was received from the Government that those employees who were working in Corporation for the last more than three years continuously apart from work charge/daily wages were to be regularised, inasmuch as, they were covered under the policy instructions dated 23.1.2001 (P-6). Further instructions were also issued on 28.3.2003 and 26.5.2003 (P-7 and P-8). Before terminating the services of the petitioner and other similarly situated, respondent No. 2 issued termination notice to them. One such notice has been placed on record as Annexure P-9. Thereafter, vide letters dated 10.6.2003 and 15.7.2003 (P-10 & P-11) intimation regarding personal hearing was given to the petitioner and other employees who were

similarly situate to him. It has been asserted that out of 8 employees who were issued termination notices, respondent No. 2 Corporation regularised services of four employees vide order dated 8.9.2003 (P-12). However, after affording personal hearing to the petitioner his services were terminated vide impugned order dated 1.6.2004 (P-14).

Having heard the learned counsel for the parties we are of the considered view that no such directions as claimed in the instant petition could be issued for regularization of the services of the petitioner in view of the Constitution Bench judgment of Hon'ble the Supreme Court in the case of **Secretary, State of Karnataka & others v. Umadevi & others, (2006) 4 SCC 1** as well as a detailed judgment of this Court in the case of **Rajinder Kumar v. State of Haryana, 2006 (2) PLR 474**.

We are further of the view that in an identical matter arising out of C.W.P. No. 10307 of 2004, decided on 25.4.2005, while deciding Civil Appeal No. 857 of 2007, arising out of S.L.P. (Civil) No. 19496 of 2005 (Punjab State Warehousing Corporation, Chandigarh v. Manmohan Singh and another), Hon'ble the Supreme Court has held that respondent No. 2 Corporation is a body constituted and governed under the Punjab Warehousing Corporation Act, 1957. Accordingly, it has been held that the terms and conditions of the employees of respondent No. 2 Corporation are governed by a statute and statutory rules, which could not be altered. The State has no say in the matter and the policy framed by the State would not extend to a statutory Corporation like respondent No. 2 in the absence of any spe-

cific provision in the Act itself. In that regard reliance has been placed by Hon'ble the Supreme Court in a earlier judgment of the Supreme Court in the case of Pawan Alloys & Casting Pvt. Ltd., Meerut v. U.P. State Electricity Board and others (1997) 7 SCC 251.

In view of the above, there is no merit in the instant petition and the same is accordingly dismissed.

(M.M. KUMAR)
JUDGE

May 14, 2007
Pkapoor

(RAJESH BINDAL)
JUDGE